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Easement Owner Newsletter

Financial Assistance Now Available for Maintenance

Hello Iowa Conservation Easement Owners!

Another wild Iowa spring is wrapping up. This is an exciting time to get out and enjoy the beauty and bounty that lives on your conservation easement.

Pollinator habitat is still a critical habitat need in Iowa and across the nation. Vegetation diversity and quality on your easement can provide habitat needs to many beneficial pollinators. It may not be obvious as to what improvements can be done in your easement's existing vegetation. NRCS can assist you with that. Is the existing vegetative stand diverse enough with flowers and forbs? Are the native grasses surviving or are they struggling against the introduced grasses? Are there areas in the vegetation that just don't seem to be thriving?

NRCS staff can assess and recommend actions to bring new life back into your existing easement vegetative stand. The competition with introduced or invasive grasses can be extremely challenging. Persistence and patience will be required for the eradication of unwanted grasses. If you have areas in your easement that just don't seem to be thriving, let's look at those. We have the technical staff to help you make those decisions.

Remember, your conservation easement deed outlines what rights you own on your land and what rights were sold to the United States. Please take time to re-read your conservation easement deed and refresh your understanding of your reserved rights and restrictions. Review your easement management plan (if you have one) and what actions you already have approval to perform before starting any work on your easement area. If you don't have a management plan, please reach out to your local USDA-NRCS Service Center for assistance. Iowa has an NRCS office in every county. Farmers.gov has



a "Locate your service center" search function. Search by state and then county to find your local contact.

Thank you for owning and protecting our conservation easements.

Cheers,

Sindra Jensen
Iowa Easement Programs Coordinator

New Easement Owners: What You Need to Know!

Congratulations on your new conservation easement through ACEP-Wetlands Reserve Easement (WRE) or the Floodplain Easement Program (FPE). You have joined a growing group of individuals who are protecting Iowa's natural resources for future generations. Through 2020, Iowa landowners have protected nearly 191,000 acres of wetland and floodplain habitat through the WRE and FPE programs in Iowa.

USDA's Natural Resources Conservation Service (NRCS) is eager to work with you to maintain and enhance the conservation values of your easement. Let's begin by looking at the purpose and intent of the WRE and FPE programs, and the regulations governing the easement on your property.

Goals of the Programs

The objectives of wetland easement programs, such as the Wetland Reserve Program (WRP), WRE and FPE are to protect, restore and enhance the original hydrology, vegetation, and functional values of wetlands and floodplain habitats. These programs are intended to help achieve the national goal of no net loss of wetlands, and to improve the general environment of the country. Emphasis is placed on the protection and restoration of habitat for migratory birds and threatened and endangered species, protection of native flora and fauna contributing to the Nation's natural heritage, water quality protections, flood reduction, and groundwater recharge.

Warranty Easement Deed

The Warranty Easement Deed is the overarching document governing the rights you, as the fee title landowner, retain, and prohibitions, rights acquired by the United States, on the easement property. This document is recorded at the county courthouse, and should have been provided to you, or referenced as part of the title abstract or title opinion, at the time you purchased the property. The Warranty Easement Deed remains in effect, regardless of changes to program policy, legislation, or sale, and should be referenced prior to any action on the property. There are two types of Warranty Easement Deeds for the Wetlands Reserve Program: 30-year duration and Permanent (in perpetuity). All Floodplain Easements are permanent. Please review



your deed to identify which type of easement is found on your property.

Prohibitions

In general, any action that has the potential or intent to alter vegetation or impact hydrology is prohibited on the easement. Prohibited actions include, but are not limited to: haying, grazing, mowing, plowing, cropping, dumping waste, harvesting wood products, draining, dredging or filling channels, disturbing or interfering with nesting, making recreational vehicle trails or horse trails, and trap/skeet shooting operations. Permanent structures are not permitted on the easement.

Compatible Use Authorizations (CUAs)

In some instances, certain prohibited actions may be authorized through a Compatible Use Authorization (CUA). Actions approved under a CUA are generally those NRCS has determined will benefit and further the purposes for which the easement was taken. Landowners must apply for a CUA to complete such activities. Compatible uses are not guaranteed, are valid for a maximum of ten years, and may be revoked at any time. Contact NRCS to develop a management plan and determine what compatible uses can be authorized.

Management and Monitoring

The United States, through the Natural Resources Conservation Service, retains the rights to access the easement area for the purposes of monitoring, enforcement, maintenance, and management activities. It is the NRCS's responsibility to ensure the terms and conditions of the easement are being met, and the

natural values of the easement are being protected and maintained.

To fulfill its responsibility, the **NRCS conducts annual monitoring activities on the easement**. These may include on-site review of the easement or off-site review utilizing aerial photography. In the case of on-site monitoring, the landowner will be notified prior to the monitoring activity and given the opportunity to participate. This a good opportunity to meet with NRCS to update any management plans, discuss easement concerns, and review the status of the easement.

Rights of the Landowner

Warranty Easement Deeds have some variability, depending on when the easement was recorded and which easement program it was enrolled under. The easement deed specific to your property should be referenced for details. In general, the landowner retains a few basic rights on the property, including:

- » **Title:** Includes the right to transfer or sell the property. The easement survives transfer.
- » **Quiet Enjoyment:** the right of the Landowner to retain these reserved rights on the easement without interference from others
- » **Control of Access:** The right to control general public access to the land. The land remains in private ownership. It is the Landowner's responsibility to control trespassers. The United States as purchased the right of access as part of the easement deed

and it is documented on the survey attachments to easement deed. All other access is at the discretion of the landowner.

- » **Recreational Uses:** The right to undeveloped recreational uses, including hiking, bird watching, hunting, fishing, and the leasing of those rights.
- » **Subsurface Resources:** The right to oil, gas, mineral, etc. resources underlying the easement area, provided that any drilling or mining activities are located outside the easement. No surface extraction is permitted within the easement area.
- » **Water Rights:** This right is more applicable to western states and not typically a matter of concern in Iowa.

At times, the easement process can seem overwhelming. Contact your local NRCS District Conservationist to set up a time to meet and discuss your new easement. District Conservationists are available in every Iowa county to provide technical support and answer your questions. NRCS field office locations and contact information is located on the Farmers.gov website under "Locate Service Center" or on the Iowa NRCS website at www.ia.nrcs.usda.gov.

NRCS is your partner conservation easement partner. We will work alongside you on your management goals, provided they are consistent with the purpose and intent of the conservation easement. We look forward to assisting you in being a great steward of this easement property.



Iowa Habitat and Access Program (IHAP)

Iowa recently received a \$1.5 million grant through USDA's Voluntary Public Access-Habitat Incentive Program. These grant funds are being utilized by the Iowa DNR's Iowa Habitat and Access Program (IHAP) to provide landowners with financial assistance to improve habitat. In turn, participating landowners agree to open those lands for public hunting.

Landowners can make easement improvements such as tree or brush removal, prescribed fire, and seeding upgrades using these funds. Once improvements are completed, landowners will receive their financial incentive from the Department.

Under Iowa law, an IHAP enrollee bears no liability for injuries suffered by the public allowed to access their private property to hunt.

Iowa has about 23,000 acres enrolled in the IHAP program. Recent surveys of enrolled landowners show 95 percent are satisfied with the IHAP program, and 90 percent state that the improvements made have been valuable to their properties.

Additional information about the IHAP program can be found at: www.iowadnr.gov/ihap or contact Nick Baumgarten at 712-330-6932 or nick.baumgarten@dnr.iowa.gov.

IHAP is perfect for...

- » Landowners who want to create or improve habitat on their properties.
- » Landowners who want financial and technical assistance for habitat on their properties.
- » Recreational landowners who want their land improved with practices such as brush removal, prescribed fire, seeding upgrades, or wetland enhancements.